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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,397	09/24/2004	Thierry Lucidarme	218728-000230	5825

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,397

Applicant(s)

LUCIDARME ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-9, 12-22, 25-26**, are rejected under 35 U.S.C. 102(e) as being anticipated by Greene et al. (US patent Number 6,879,835 B2).

Regarding claims 1, 14, Greene teaches a communication system comprising a radio unit, several terminal equipments and a local administration server, wherein the radio unit comprises a first communication interface 25 with the terminal equipments, a second radio communication interface 27 with a cellular network (see figures 1-2, col 2 lines 25-65), a module for identifying a subscription to the cellular network (col 7 lines 1-59) and means for transferring multiple user streams between the cellular network and the respective terminal equipments connected to the first interface within the framework of the subscription identified by said module, and wherein the local administration server 200 comprises means of communication with the terminal equipments, independent of the cellular network, to supervise the interchanges over the first communication interface (see figures 1-2 col 3 lines 45-60).

Regarding claims 2, 15, Greene teaches a system wherein a communication between the local administration server and a terminal equipment is made via the radio unit 9col 3 lines 62-67, col 4 lines 1-5).

Regarding claims 3, 16, Greene teaches a system wherein said first communication interface is a radio interface (col 3 lines 45-61).

Regarding claims 4, 17, Greene inherently teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are simultaneous (see figure 2, col 3 lines 45-67, col 4 lines 1-15).

Regarding claims 5, 18, Greene teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in packet mode (col 4 lines 61-67, col 5 lines 1-30).

Regarding claims 6, 19, Greene inherently teaches a system wherein at least certain of said multiple user streams between the cellular network and the respective terminal equipments are handled in circuit mode (col 6 lines 4-20).

Regarding claims 7, 20, Greene teaches a system wherein the radio unit or the terminal equipments comprise means of measuring an activity relating to the interchanges over the first communication interface (col 6 lines 51-67).

Regarding claims 8, 21, Greene teaches a system wherein the means of communication between the local administration server and the terminal equipments comprise means of providing a billing based on said activity measurement relating to the interchanges over the first communication interface (col 8 lines 45-67).

Regarding claims 9, 22, Greene teaches a system wherein the terminal equipments comprise means of reading a payment means, information relating to the reading of the payment means being transmitted to the local administration server, and wherein said billing takes into account said information relating to the reading of the payment means (col 8 lines 43-58).

Regarding claims 12, 25, Greene teaches a system wherein the radio unit comprises means of controlling said multiple user streams between the cellular network and the respective terminal equipments connected to the first interface (see figure 2, col 8 lines 20-62).

Regarding claims 13, 26, Greene teaches a system wherein said means of controlling the multiple user streams comprise at least one of the following elements:

means of scheduling the setting up of said streams, means of managing priorities between

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the streams, means of managing queuing for setting up said streams and means of managing service quality (col 4 lines 15-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 10-11, 23-24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene et al. (US Patent 6,879,835) in view of Nykanen et al. (US Patent 6,714,778).

Regarding claims 10, 23, Greene fails to teach a system wherein the means of communication between the local administration server and the terminal equipments comprise means of authenticating said terminal equipments . However Nykanen teaches a system wherein the means of communication between the local administration server and the terminal equipments comprise means of authenticating said terminal equipments (see figure 2A, col 13 lines 33-50). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Nykanen with Greene, in order to enable the user to have privacy in the system and to designate which application programs can be utilized.

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Regarding claims 11, 24, Greene fails to teach a system wherein the means of communication between the local administration server and the terminal equipments comprise means of activating an encryption on said first communication interface. Nykanen teaches a system wherein the means of communication between the local administration server and the terminal equipments comprise means of activating an encryption on said first communication interface (see figure 2A, col 13 lines 33-50). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Nykanen with Greene, in order to enable the user to have privacy in the system and to designate which application programs can be utilized.

Response to Arguments

5. Applicant's arguments filed 1/9/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the Greene fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., several terminal equipments such as the device 30-32 would exchange multiple user streams with a cellular network through a common radio unit and within the framework of a common subscription to the cellular network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 4, 2006



MELODY MEHTA
PATENT EXAMINER